

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

DAVID FRANCO,

Plaintiff

v.

KYTEL INTERNATIONAL GROUP, INC.,
GREGORY KILEY, EDWARD KILEY and
DON M. BOSCO,

Defendants.

CIVIL ACTION No.
04-CV-12159-GAO

**AFFIDAVIT IN ACCORDANCE WITH RULE 4 (f) OF
MASS. R. CIV. P. AND G.L. c. 233A, §6**

I, Lawrence E. Desilets, attorney for the above-named Plaintiff, David Franco, hereby certify under the pains and penalties of perjury that I have made service upon the Defendants, Kytel International Group, Inc., Gregory Kiley and Edward Kiley, in this action in the following manner:

On September 10, 2004, I mailed by certified mail, return receipt requested. No's. 7001 2510 0002 6768 2135, 7001 2510 0002 6768 2241 and 7001 2510 0002 6768 2142, copies of the Summonses and copies of the Complaint filed in this action in the Middlesex County Superior Court.

On information and belief, Gregory Kiley and Edward Kiley are principals of Kytel International Group, Inc.

The receipts, No's. 7001 2510 0002 6768 2135, 7001 2510 0002 6768 2241 and 7001 2510 0002 6768 2142, for the said mailings were signed for, and accepted by an agent, servant

or employee of Kytel International Group, Inc. on September 13, 2004. The originals of said receipts are attached hereto.

The Court may exercise personal jurisdiction over the Defendants in this matter in accordance with G.L. c. 223A, §3 because the said Defendants, as alleged in the Complaint, caused tortious injury in Massachusetts.

I further say that I have twice mailed copies of the Summonses and Complaints to the remaining Defendant in this action, Don Bosco, who on information and belief is an attorney in the State of New York. Both mailings were sent to a last known address but Mr. Bosco's law firm, in both have been returned to me, unaccepted. I am now in the process of obtaining the services of a sheriff in the State of New York for purposes of in hand service on Mr. Bosco.

The mode of service, as outlined above, is in accordance with Mass. General Laws, Chapter 223A, §6 and Rule 4 (f) of Mass. R. Civ. P.

Signed under the penalties of perjury on this 31st day of December, 2004.



Lawrence E. Desilets
Liberty Plaza
61 Nicholas Road, Suite B5
Framingham, MA 01701
508-788-8500
BBO # 121380

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kytel International Group,
Inc.
15 Maiden Lane, 4th Fl.
New York, NY 10038

2. Article
(Trans)

PS Form

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

9.13.04

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

02595-01-M-2509

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Gregory Kiley
15 Maiden Lane, 4th Fl.
NY, NY 10038

2. Article
(Trans)

PS Form

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
☐ Addressee

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☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

02595-02-M-1035

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

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Mr. Edward Kiley
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NY, NY 10038

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4. Restricted Delivery? (Extra Fee) ☐ Yes

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

NEW YORK, NY 10038

Postage	\$ 0.83	UNIT ID: 0540 Postmark Here Clerk: KPJQ4Y 09/10/04
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.88	

Sent To
Edward Kiley
Street, Apt. No.
or PO Box No. 15 Maiden Lane, 4th Fl.
City, State, ZIP+4 NY, NY 10038

PS Form 3800, January 2001

See Reverse for Instructions

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CERTIFIED MAIL RECEIPT
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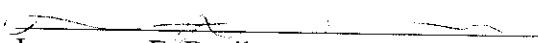
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PS Form 3800, January 2001

See Reverse for Instructions

CERTIFICATE OF SERVICE

I hereby certify that I have served on this date a true copy of the foregoing Affidavit in Accordance With Rule 4(f) of Mass. R. Civ. P. and G.L. c. 233A, §6 by mailing a letter first-class mail, postage prepaid to counsel for Defendants, Matthew E. Hoffman, Esq. of Todtman, Nachamie, Spizz & Johns, P.C. at 425 Park Avenue, New York, New York 10022 and William R. Moriarty, Esq. of Sassoon & Cymrot at 84 State Street, Boston, MA 02109, this 31st day of December, 2004.


Lawrence E. Desilets